

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

is an application of:

Jagannathan Shiva Shankar, et al.

Serial No.: 10/651,590

Filed on: August 29, 2003

) Confirmation No.: 9696  
)  
) Examiner: NYA  
)  
) Group Art Unit No.: 2681  
)

For: METHOD AND APPARATUS FOR MEASURING HEALTH AND PERFORMANCE  
OF A MESSAGING SYSTEM

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Sir:

Enclosed is a copy of Information Disclosure Citation Form PTO-1449 together with copies of the documents cited on that form. It is respectfully requested that the cited documents be considered and that the enclosed Information Disclosure Citation Form PTO-1449 be initialed by the Examiner to indicate such consideration and a copy thereof returned to applicant(s).

Pursuant to 37 C.F.R. § 1.97, the submission of this Information Disclosure Statement is not to be construed as a representation that a search has been made and is not to be construed as an admission that the information cited in this statement is material to patentability.

Pursuant to 37 C.F.R. § 1.97, this Information Disclosure Statement is being submitted under one of the following (as indicated by an "X" to the left of the appropriate paragraph):

  X   37 C.F.R. §1.97(b).

       37 C.F.R. §1.97(c). If so, then this Information Disclosure Statement includes one of the following:

       A statement pursuant to 37 C.F.R. §1.97(e)

       1.97(e)(1) The undersigned hereby states that each item of information contained in this information disclosure statement was first cited in communication from a foreign patent office in a counterpart

foreign application not more than three months prior to the filing of this information disclosure statement.

\_\_\_\_\_ 1.97(e)(2) The undersigned hereby states that no item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in this information disclosure statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of this information disclosure statement.

\_\_\_\_\_ A check for \$180.00 for the fee under 37 C.F.R. § 1.17(p).

\_\_\_\_\_ 37 C.F.R. § 1.97(d). If so, then this Information Disclosure Statement includes the following:

\_\_\_\_\_ A statement pursuant to 37 C.F.R. § 1.97(e)

\_\_\_\_\_ 1.97(e)(1) The undersigned hereby states that each item of information contained in this information disclosure statement was first cited in communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement; OR

\_\_\_\_\_ 1.97(e)(2) The undersigned hereby states that no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of this information disclosure statement.

AND

\_\_\_\_\_ A check for \$180.00 for the fee under 37 C.F.R. § 1.17(i) for submission of the Information Disclosure Statement.

\_\_\_\_\_ 37 C.F.R. § 1.97(i). Wherein applicants are submitting references before the grant of a patent to be placed in the file but not considered by the Patent office.

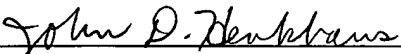
- (1) Accordingly, copies of the references as listed on the attached Form PTO 1449 are submitted herewith for placement in the file. No certification or fees are deemed necessary.

Throughout the pendency of this application, please charge any additional fees, including any required extension of time fees, and credit all overpayments to deposit account 50-1302. A duplicate of this sheet is enclosed.

Respectfully submitted,

HICKMAN PALERMO TRUONG & BECKER LLP

Dated: January 20, 2004

  
\_\_\_\_\_  
John D. Henkhaus  
Reg. No. 42,656

1600 Willow Street  
San Jose, California 95125-5106  
Telephone: (408) 414-1080  
Facsimile: (408) 414-1076

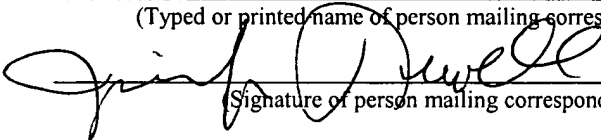
---

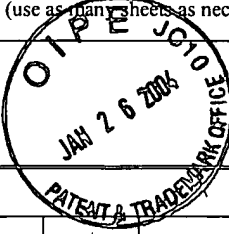
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

January 21, 2004  
(Date of Deposit)

Jennifer Newell

(Typed or printed name of person mailing correspondence)

  
\_\_\_\_\_  
(Signature of person mailing correspondence)

| Substitute for Form 1449A/PTO (Modified)<br>(use as many sheets as necessary)     |                         | Attorney Docket No.:<br>50325-0788   | Application Number:<br>10/651,590 |
|---|-------------------------|--|-----------------------------------|
|  |                         | First Named Inventor:<br>Jagannathan Shiva Shankar   |                                   |
|   |                         | Filing Date:<br>August 29, 2003  |                                   |
| <b>OTHER ART – NO PATENT LITERATURE DOCUMENTS</b>                                 |                         |  |                                   |
| Examiner<br>Initials*   | Cite<br>No <sup>1</sup> | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published | Translation <sup>2</sup>          |
|   |                         | Cisco Systems, Inc., "Release Notes for Voice Health Monitor 1.0 on Windows 2000," August 9, 2001, 78-11325-01, pp. 1-28.  |                                   |
|   |                         | Cisco Systems, Inc., "Release Notes for Voice Health Monitor 1.1 on Windows 2000," March 13, 2002, 78-11325-02, pp. 1-28.  |                                   |
|   |                         | Cisco Systems, Inc., "Voice Health Monitor User Guide," Chapter 2, "Monitoring Voice Network Health," March 13, 2002, 78-11324-01, pp. 2-1 – 2-20.   |                                   |
|   |                         | Cisco Systems, Inc., "Voice Health Monitor User Guide," Chapter 6, "Synthetic Transaction Configuration," March 13, 2002, 78-11324-01, pp. 6-1 – 6-12.   |                                   |
|   |                         | Cisco Systems, Inc., "Release Notes for Cisco CallManager Release 3.0(7)," January 16, 2001, OL-0950-01, pp. 1-62.   |                                   |
|   |                         | Cisco Systems, Inc., "Release Notes for Cisco CallManager Release 3.2(2c)," July 10, 2002, OL-2559-02, pp. 1-66.   |                                   |
|   |                         | BMC Software, Inc., "Synthetic Transaction Monitor," Release Notes, Version 1.1.00, June 30, 2000, pp. 1-8.  |                                   |
|   |                         | BMC Software, Inc., "Synthetic Transaction Monitor," Release Notes, Version 1.1.06, March 30, 2001, pp. 1-5.   |                                   |
|   |                         |  |                                   |

|                       |  |                 |  |
|-----------------------|--|-----------------|--|
| Examiner<br>Signature |  | Date Considered |  |
|-----------------------|--|-----------------|--|

\*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication.

<sup>1</sup>Unique citation designation number. <sup>2</sup>Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.